

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LUIS ANDINO,

Plaintiff,

9:06-CV-0509
(FJS)(DEP)

v.

MR. HEALEY; MS. E. SIMMONS; D. HADDAD, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

LUIS ANDINO
Plaintiff, *pro se*

OFFICE OF THE ATTORNEY GENERAL
State of New York
Counsel for the Defendants

JAIME IRENE ROTH, ESQ.
Assistant Attorney General

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

DECISION AND ORDER

By Decision and Order of this Court filed April 30, 2007, pro se plaintiff Luis Andino was afforded a final opportunity to submit an amended complaint in this action. Dkt. No. 38. Plaintiff was advised that his amended complaint must be a complete pleading and must set forth all of the claims he wishes to assert in this action. *Id.*

Plaintiff's amended complaint, submitted in accordance with that Decision and Order, is before this Court for review. Dkt. No. 46. The amended complaint, which is thirty-five pages in length, names thirty-two individuals as defendants and asserts claims against them arising out of plaintiff's confinement at Eastern Correctional Facility.¹

Based upon the Court's review of the file, the Court finds that plaintiff's amended complaint

¹ Seventeen of those individuals were named as defendants in plaintiff's prior pleadings. Many of these defendants have been served with process and have appeared through counsel.

substantially complies with the Court's prior Decision and Order and was properly filed in this action. The Clerk is directed to revise the docket to identify all of the defendants named in the amended complaint as defendants in this action. The Clerk shall also issue amended summonses and send them to the United States Marshal for service on the new defendants as well as on any of the original defendants who have not yet acknowledged service of process.

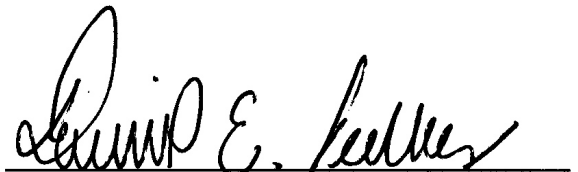
WHEREFORE, it is hereby

ORDERED, that plaintiff's amended complaint (Dkt. No. 46) is accepted for filing in this action. The Clerk is directed to issue amended summonses naming the new defendants and to forward them, along with copies of the amended complaint, to the United States Marshal for service on the new defendants as well as on any of the original defendants who have not yet acknowledged service of process, and it is further

ORDERED, that plaintiff provide the Clerk with copies of his amended complaint and completed USM-285 forms for service on the defendants, and it is further

ORDERED, that the defendants who have appeared in this action as of the date of this Decision and Order shall file their response to the amended complaint no later than September 17, 2007, and it is further

ORDERED, that the Clerk of the Court serve a copy of this Decision and Order on the parties.

A handwritten signature in black ink, appearing to read "David E. Peebles", is written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: July 23, 2007
Syracuse, NY